IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 3-10-2007

CORAM

THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.No.28030 of 2006
and
MP No.1 of 2007

T.Saravana Bhavan .. Petitioner

vs

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.
2.The State of Tamil Nadu
Rep. By its Secretary
Municipal Administration and
Water Supply Department
Fort St. George
Chennai 600 009. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to pay the petitioner herein full pension, full gratuity, commutation of pension, Special Provident Fund, V and VI Pay Commission Arrears, encashment of earned leave for 3 months and all other benefits with interest at 18% per annum.

For Petitioner : Mr.N.John Selvaraj
For Respondents : Mr.T.Mathi for R1
Mr.V.Arun
Additional Government
Pleader for R2

ORDER

Seeking a writ of mandamus to direct the respondents to pay the petitioner herein full pension, full gratuity, commutation of pension, Special Provident Fund, V and VI Pay Commission Arrears, encashment of earned leave for 3 months and all other benefits with interest at 18% per annum, the petitioner has brought forth this writ petition.

2.The Court heard the learned Counsel for the petitioner, the learned Counsel for the first respondent and the learned Additional Government Pleader for the second respondent.

3.The only grievance ventilated by the petitioner, is the non-consideration of the representation dated 10.9.2005 for the payment of full pension, gratuity, commutation of pension, special provident fund, pay commission arrears and encashment of earned leave for three months.

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4.It is not in controversy that he retired on attaining superannuation on 31.5.2001. Originally, provisional pension was given to the petitioner, and the representations were made by him. Without any avail, he issued a legal notice on 21.6.2006 to the first respondent, and it has not been replied. Under the circumstances, the petitioner has brought forth this writ petition before this Court.

5.According to the learned Additional Government Pleader, there are certain audit objections with regard to the benefits as asked for by the petitioner.

6.From the submissions made, it would be quite clear that what has been paid to him was only the provisional pension and gratuity, and it has not been fully paid. Following the representation, which was pending in the hands of the first respondent without being considered, there was a legal notice issued by him. Though the petitioner has retired from service on attaining superannuation in the month of May 2001, the matter is pending for the past six years. This Court is able to see inordinate delay. In such circumstances, it has become necessary to issue a direction to the first respondent to pass necessary orders on the representation of the petitioner dated 10.9.2005, within a period of ten weeks herefrom as one required under the facts and circumstances. Accordingly, a direction is issued, and this writ petition is disposed of. No costs. Consequently, connected MP is closed.

sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

nsv/

To;

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2.The Secretary to Government
Tamilnadu,
Municipal Administration and
Water Supply Department
Fort St. George,Chennai 600 009.

+ 2 CCS TO Mrs.D.Nagasaila Advocate SR.NOS.61532,61120
+ 1 cc to Mr.T.Mathi Advocate SR.NO.61081

NSM(CO)
RD 9.10.07

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